

## REMARKS

### I. Election of Claims

Applicants have elected to prosecute claims of Group III, drawn to monoclonal antibody P2L-T1a and method of use thereof.

Claims 1-3, 6, 12, 13, 15 16, 17 and 22-24 have been canceled without prejudice to the filing of future continuing applications, as being directed to a non-elected invention.

### II. Amendments

A statement on the deposit of microorganism materials for patent purposes under the Budapest Treaty has been added in the description on page 38.

The claims have been amended in view of the traverse and comments below.

### III. Rejections under §112 second paragraph

The claims have been amended for clarity and to more particularly point out and distinctly claim the subject matter of the invention.

These rejections should be withdrawn

### IV. Rejection of Claim 25, 6, 21 and 31 under §112 first paragraph (written description)

The hybridoma cell line P2L-1T has been deposited with a recognized International depository under the terms of the Budapest Treaty for patent related materials.

A statement has been inserted into the description to clarify this, and to provide the full address of the depository. The date of deposit and accession number of the deposited cell line is clearly identified in the specification and all terms and conditions for such deposit will be honored by applicant upon issue of a patent.

- i. during the pendency of this application access will be afforded to the U.S. Commissioner of Patents upon request;
- ii. all restrictions upon availability to the U.S. public will be irrevocably removed upon granting of the patent;

- iii. the deposits will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the effective life of the patent, whichever is longer;
- iv. the deposits were viable at the time of deposit; and
- v. the deposits will be replaced if they should ever become non-viable.

Applicants herewith submit a copy of the deposit receipt under the terms of the Budapest Treaty, and an English translation thereof.

The rejections should be withdrawn.

V. Rejection of Claim 4, 5, 7-11, 14, 18-20 and 26-30 under §112 first paragraph (enablement)

This rejection should be withdrawn in view of the amended claim 4.

Claim 4 now recites:

A monoclonal antibody specifically reacting  
with a peptide having an amino acid sequence  
of residues 12 to 24 of SEQ ID NO: 2

The description provided by the specification enables one of ordinary skill in the art to take and use a peptide having an amino acid sequence of residues 12 to 24 of SEQ ID NO:2, and to generate a monoclonal antibody which will specifically react to said peptide.

The distinguishing characteristics of the claimed monoclonal antibody are that it is specifically reactive to a peptide having an amino acid sequence of residues 12 to 24 of SEQ ID NO:2. This has been demonstrated by example.

The Specification enables one of ordinary skill in the art to practice the claimed invention.

This rejection under §112 first paragraph (enablement) should be withdrawn.

VI. Rejection of Claim 15 under §112 first paragraph (enablement)

Claim 15 has been canceled without prejudice to the filing of future continuing applications. The rejection is moot.

VII. Rejection of Claims 4, 5, 7-11, 14, and 18-20 under §102(b) as being anticipated by Hinuma et al. (WO 97/24436)

The cited art does not teach the claimed invention. This rejection should be withdrawn.

Hinuma et al do not teach monoclonal antibodies to the peptide having an amino acid sequence of residues 12 to 24 of SEQ ID NO:2.

VIII. Conclusion

Reconsideration of the claims as amended in view of the traverse made above is solicited. Early allowance of the claims is requested. Should the Examiner believe that a conference with applicants' attorney would advance prosecution of this application, she is respectfully invited to call applicants' attorney.

Respectfully submitted,



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